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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 JUDY COOK, as conservator for JAMES  
11 FINNEGAN,

12 Plaintiff,

13 v.

14 FRED MIDDAGH and JACQUELINE  
MIDDAGH,

15 Defendant.  
16  
17  
18

CASE NO. C09-5384BHS

ORDER GRANTING  
REQUEST TO WITHDRAW  
MOTION FOR DEFAULT  
AND RENOTING SCHEDULE  
REGARDING INITIAL  
DISCLOSURES, JOINT  
STATUS REPORT, AND  
EARLY SETTLEMENT

19 This matter comes before the Court on Plaintiffs' September 15, 2009, status  
20 report (Dkt. 10) wherein Plaintiffs request withdrawal of their motion for default and that  
21 the Court issue a new scheduling order. The Court has considered the file and hereby  
22 grants Plaintiffs' request to withdraw its motion for default and reschedules the matter as  
23 described herein.

24 On June 25, 2009, Plaintiffs filed their complaint against Defendants in this matter.  
25 Dkt. 1. On June 29, 2009, a minute order was entered that set the following schedule:  
26 FRCP 26f conference deadline of September 14, 2009; initial disclosure deadline of  
27 September 21, 2009; and joint status report due by September 28, 2009. Dkt. 4.  
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1 On July 24, 2009, Plaintiffs moved the Court to enter default against Defendants.  
2 Plaintiffs' motion for default was renoted for September 18, 2009. Dkt. 9.

3 On August 31, 2009, the matter was reassigned to the undersigned. Dkt. 8. The  
4 Court, renoted Plaintiffs' motion for default for consideration on the Court's September 8,  
5 2009, calendar. Dkt. 9.

6 On September 15, 2009, Plaintiffs submitted a status report to inform the Court of  
7 an agreement entered into by the parties on how to resolve this matter. Dkt. 10. This  
8 agreement does not constitute a settlement. Rather, Plaintiffs request that the Court permit  
9 the withdrawal of Plaintiffs' motion for default. *Id.* Plaintiffs also request that the Court  
10 "vacate the prior scheduling [o]rder and reissue a new order accordingly . . . ." *Id.* at 3  
11 (outlining Plaintiffs' requested schedule).


12 Having considered the file, the Court finds good cause to grant Plaintiffs' request  
13 to withdraw its motion for default but, in the interests of judicial economy, it does not  
14 find Plaintiffs' suggested schedule prudent.

15 Therefore, it is hereby **ORDERED** that

16 **(1)** Plaintiffs' request to withdraw their motion for default (Dkt.10) is **GRANTED**;  
17 and

18 **(2)** The schedule for the FRCP 26f conference, initial disclosure deadline, and the  
19 filing of the joint status report is renoted for the Court's December 1, 2009 calendar.

20 DATED this 21st day of September, 2009.

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23 BENJAMIN H. SETTLE  
24 United States District Judge  
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